

111TH CONGRESS
1ST SESSION

H. R. 2696

To amend the Servicemembers Civil Relief Act to provide for the enforcement of rights afforded under that Act.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2009

Mr. MILLER of North Carolina (for himself and Mr. JONES) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to provide for the enforcement of rights afforded under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Servicemembers’
5 Rights Protection Act”.

6 **SEC. 2. ENFORCEMENT OF SERVICEMEMBERS CIVIL RE-**
7 **LIEF ACT BY THE ATTORNEY GENERAL AND**
8 **BY PRIVATE CAUSE OF ACTION.**

9 (a) GENERAL CIVIL LIABILITY AND ENFORCE-
10 MENT.—The Servicemembers Civil Relief Act (50 U.S.C.

1 App. 501 et seq.) is amended by adding at the end the
2 following new title:

3 **“TITLE VIII—CIVIL LIABILITY**
4 **FOR NONCOMPLIANCE**

5 **“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.**

6 “(a) ENFORCEMENT BY THE ATTORNEY GEN-
7 ERAL.—The Attorney General may commence a civil ac-
8 tion in any appropriate United States District Court
9 whenever the Attorney General has reasonable cause to
10 believe—

11 “(1) that any person or group of persons is en-
12 gaging in, or has engaged in, a pattern or practice
13 of conduct in violation of any provision of this Act;
14 or

15 “(2) that any person or group of persons is de-
16 nying, or has denied, any person or group of persons
17 any protection afforded by any provision of this Act
18 and that such denial raises an issue of general pub-
19 lic importance.

20 “(b) RELIEF THAT MAY BE GRANTED IN CIVIL AC-
21 TIONS.—In a civil action under subsection (a), the court—

22 “(1) may enter any temporary restraining
23 order, temporary or permanent injunction, or other
24 order as may be appropriate;

1 “(2) may award monetary damages to a service-
2 member, dependent, or other person protected by
3 any provision of this Act who is harmed by the fail-
4 ure to comply with any provision of this Act, includ-
5 ing consequential and punitive damages; and

6 “(3) may, to vindicate the public interest, as-
7 sess a civil penalty against each defendant—

8 “(A) in an amount not exceeding \$55,000
9 for a first violation; and

10 “(B) in an amount not exceeding \$110,000
11 for any subsequent violation.

12 “(c) INTERVENTION IN CIVIL ACTIONS.—Upon time-
13 ly application, a servicemember, dependent, or other per-
14 son protected by any provision of this Act may intervene
15 in a civil action commenced by the Attorney General that
16 involves an alleged violation of any provision of this Act
17 or a denial of any protection afforded by any provision
18 of this Act with respect to which such person claims to
19 be harmed. The court may grant to any such intervening
20 party appropriate relief as is authorized under subsection
21 (b)(1) or (b)(2). The court may also, in its discretion,
22 grant a prevailing intervening party reasonable attorneys’
23 fees and costs.

1 **“SEC. 802. PRIVATE CAUSES OF ACTION.**

2 “A servicemember, dependent, or other person pro-
3 tected by any provision of this Act may commence an ac-
4 tion in any appropriate United States District Court or
5 in a State court of competent jurisdiction to enforce any
6 requirement imposed or protection afforded by any provi-
7 sion of this Act. The court may grant to any such service-
8 member, dependent, or person such appropriate relief as
9 is authorized under section 801(b)(1) or (b)(2). The court
10 may also, in its discretion, grant a prevailing party reason-
11 able attorneys’ fees and costs.

12 **“SEC. 803. PRESERVATION OF OTHER REMEDIES.**

13 “The remedies provided under sections 801 and 802
14 are in addition to and do not preclude any other causes
15 of action available under Federal or State law or any other
16 remedies otherwise available under Federal or State law,
17 including any award for consequential and punitive dam-
18 ages.”.

19 (b) APPLICABILITY.—Title VIII of the
20 Servicemembers Civil Relief Act, as added by subsection
21 (a), shall apply to any cause of action, claim, or action
22 to enforce the Servicemembers Civil Relief Act, or to seek
23 damages or other relief under any provision of that Act,
24 in progress on the date of the enactment of this Act or
25 that may be brought after such date.

26 (c) CONFORMING AMENDMENTS.—

1 (1) Section 207 of such Act (50 U.S.C. App.
2 527) is amended by striking subsection (f).

3 (2) Section 301(c) of such Act (50 U.S.C. App.
4 531(c)) is amended to read as follows:

5 “(c) MISDEMEANOR.—Except as provided in sub-
6 section (a), a person who knowingly takes part in an evic-
7 tion or distress described in subsection (a), or who know-
8 ingly attempts to do so, shall be fined as provided in title
9 18, United States Code, or imprisoned for not more than
10 one year, or both.”.

11 (3) Section 302(b) of such Act (50 U.S.C. App.
12 532(b)) is amended to read as follows:

13 “(b) MISDEMEANOR.—A person who knowingly re-
14 sumes possession of property in violation of subsection (a),
15 or in violation of section 107 of this Act, or who knowingly
16 attempts to do so, shall be fined as provided in title 18,
17 United States Code, or imprisoned for not more than one
18 year, or both.”.

19 (4) Section 303(d) of such Act (50 U.S.C. App.
20 533(d)) is amended to read as follows:

21 “(d) MISDEMEANOR.—A person who knowingly
22 makes or causes to be made a sale, foreclosure, or seizure
23 of property that is prohibited by subsection (c), or who
24 knowingly attempts to do so, shall be fined as provided

1 in title 18, United States Code, or imprisoned for not more
2 than one year, or both.”.

3 (5) Section 305(h) of such Act (50 U.S.C. App.
4 535(h)) is amended to read as follows:

5 “(h) MISDEMEANOR.—Any person who knowingly
6 seizes, holds, or detains the personal effects, security de-
7 posit, or other property of a servicemember or a
8 servicemember’s dependent who lawfully terminates a
9 lease covered by this section, or who knowingly interferes
10 with the removal of such property from premises covered
11 by such lease, for the purpose of subjecting or attempting
12 to subject any of such property to a claim for rent accru-
13 ing subsequent to the date of termination of such lease,
14 or attempts to do so, shall be fined as provided in title
15 18, United States Code, or imprisoned for not more than
16 one year, or both.”.

17 (6) Section 306(e) of such Act (50 U.S.C. App.
18 536(e)) is amended to read as follows:

19 “(e) MISDEMEANOR.—A person who knowingly takes
20 an action contrary to this section, or attempts to do so,
21 shall be fined as provided in title 18, United States Code,
22 or imprisoned for not more than one year, or both.”.

23 (7) Section 307(c) of such Act (50 U.S.C. App.
24 537(c)) is amended to read as follows:

1 “(c) MISDEMEANOR.—A person who knowingly takes
2 an action contrary to this section, or attempts to do so,
3 shall be fined as provided in title 18, United States Code,
4 or imprisoned for not more than one year, or both.”.

5 (d) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is amended by adding at the
7 end the following:

“TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

“Sec. 801. Enforcement by the attorney general.

“Sec. 802. Private causes of action.

“Sec. 803. Preservation of other remedies.”.

